

REMARKS/ARGUMENTS

Favorable reconsideration of this application is respectfully requested in view of the claim amendments and following remarks. Claim 3 has been amended. Currently, claims 1-25 are pending in the present application of which claim 1 is independent. No new matter has been added.

Claims 1-25 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Komiya (U.S. Patent Number 4,798,397) in view of Layman (U.S. Patent Number 1,380,659). Claims 1-25 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Seksaria (U.S. Patent Application Number 2004/0075234A1) in view of Layman (U.S. Patent Number 1,380,659). The above rejections are respectfully traversed for at least the reasons set forth below.

Objection to the Drawings

The drawings were objected to for allegedly not identifying Figures 1-4 as prior art. The drawings were objected to for allegedly not including a the correct reference number "17" for the web. Replacement drawing sheets in compliance with 37 C.F.R. § 1.121(d) are enclosed herein (APPENDIX B). The Examiner is respectfully requested to withdraw this objection. No new matter has been added.

Amendment to the Drawings

The attached replacement sheets, found in **APPENDIX B**, make changes to Figs. 1-4 and 7 and replace the original sheets with Fig1-5, 7, 7A, and 8.

Objection to the Specification

The abstract was objected to due to certain grammatical errors. A replacement Abstract is enclosed herein (APPENDIX A). The Examiner is respectfully requested to withdraw this objection. No new matter has been added.

Claim Rejection Under 35 U.S.C. §112

Claims 21, 23, and 25 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, Claims 21, 23, and 25 were rejected because it allegedly included a phrase with insufficient antecedent basis. Claim 3 has been amended to depend from claim 2 rather than claim 1, thereby providing antecedent basis for Claims 21, 23, and 25. The Examiner is therefore respectfully requested to withdraw the rejection of Claims 21, 23, and 25.

Claim Rejection Under 35 U.S.C. §103

The test for determining if a claim is rendered obvious by one or more references for purposes of a rejection under 35 U.S.C. § 103 is set forth in MPEP § 706.02(j):

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the

reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Therefore, if the above-identified criteria are not met, then the cited reference(s) fails to render obvious the claimed invention and, thus, the claimed invention is distinguishable over the cited reference(s).

Claim 1 was rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Komiya or Seksaria in view of Layman. This rejection is respectfully traversed because Komiya, Seksaria and Layman, considered singly or in combination, fail to teach or suggest the claimed invention as set forth in amended claim 1 and its dependents.

Komiya discloses a vehicular suspension arm having a metal component with a structural I-beam section. There is no indication of an internal structure of the arm. As noted by the Examiner, Komiya fails to disclose a vehicular suspension arm formed from two stamped components.

Seksaria discloses a vehicular suspension arm having an aluminum metal component with a structural I-beam section. As noted by the Examiner, Seksaria fails to disclose a vehicular suspension arm formed from two stamped components.

Layman discloses a link formed from two sheet metal components having flanges. Layman fails to provide any teaching that the disclosed link or lever may be used in a vehicular suspension system. Rather, the only specifically disclosed use for this link in Layman is as a lever on a brake rocker shaft in an automobile (Page 1, lines 24-26), i.e., a rocker arm. Moreover, Figure 16 of Layman is merely a general indication of a possible structure; it is not an

enabling disclosure since it discloses no manufacturing approach, illustrates no joint and discloses no joining approach.

Claim 1, as amended, recites a vehicular suspension arm, including an upper sheet metal stamped component with a first outer face and a first inner face, and comprising a first central web portion with two opposite sides and first upstanding flange portions at said opposite sides of said first web portion; and a lower sheet metal stamped component with a second outer face and a second inner face, and comprising a second central web portion with two opposite sides and second upstanding flange portions at said opposite sides of said second web portion.

The Official Action asserts that Komiya and Seksaria each disclose all the elements of claim 1 except for formation of the I-beam from two stamped components. The Official Action asserts that Layman teaches a link formed from two stamped components. However, the Applicant submits that Layman fails to teach or suggest a vehicle suspension arm formed from two stamped components. Layman discloses an undefined link, lever and the like. Layman provides no teaching or suggestion that his stamped lever could be used to replace an I-beam in a suspension system. Neither Komiya nor Seksaria provide any teaching or suggestion that a stamped metal component is a suitable replacement for their disclosed I-beams. Accordingly, there is no motivation within the cited references that would lead one of ordinary skill in the art to combine the references in the manner suggested by the examiner so as to obtain a vehicle suspension arm formed from stamped metal components, as recited in Claim 1.

Layman discloses a general link or lever, and is not related to automobile suspensions. In 1921, when the patent issued, complex stampings were not common and such a link or lever

component would normally have been manufactured using casting or forging. Layman describes a general approach and illustrates approximately 10 different cross sections with no specific description or teaching of a stamping approach or of a joining method. No joint detail is provided. The illustrations of Layman illustrate the range of shapes that might be able to be constructed using his two-piece, stamped approach. There is no indication that any of these various shapes were actually constructed.

Interestingly, although Layman was cited against some later automobile suspension patents, they were held to be patentable over Layman. Layman simply did not enable the production of such parts – Layman neither discloses nor illustrates any method capable of forming and joining all the illustrated sections.

Interestingly, although working specifically in the automotive suspension field, none of Austermann (US 4,192,396), Nakamura (US 5,695,213), Kato (US 5,992,867) or Kusama (US 5,662,348), for example, recognized or developed the approach of the applicant herein. This activity in the specific field of suspension systems over many years which failed to discover the approach of the instant invention, illustrates vividly that the invention in issue was not obvious.

At least by virtue of Komiya's, Seksariya's, and Layman's failure to teach or suggest the above identified element of claim 1, a *prima facie* case of obviousness has not been established under 35 U.S.C. § 103. Moreover, the intervening prior art (e.g. Austermann, Kato) fail to combine the prior references for suspension systems, further indication that combining the prior references was not obvious. Accordingly, the Examiner is respectfully requested to withdraw the

rejection of claim 1. Claims 2-25 depend from allowable claim 1 and are also allowable over Komiya or Seksaria in view of Layman at least by virtue of their dependencies.

CONCLUSION

While we believe that the instant amendment places the application in condition for allowance, should the Examiner have any further comments or suggestions, it is respectfully requested that the Examiner telephone the undersigned attorney in order to expeditiously resolve any outstanding issues.

In the event that the fees submitted prove to be insufficient in connection with the filing of this paper, please charge our Deposit Account Number 50-0578 and please credit any excess fees to such Deposit Account.

Respectfully submitted,
KRAMER & AMADO, P.C.

Date: 6/12/07

Thomas Powers
Thomas Powers
Registration No.: 38,582

KRAMER & AMADO, P.C.
1725 Duke Street, Suite 240
Alexandria, VA 22314
Phone: 703-519-9801
Fax: 703-519-9802

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Appendix A